

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YASMIL FERTIDES,	:	
	:	
Plaintiff,	:	21-CV-4714 (JMF)
	:	
-v-	:	<u>ORDER OF DISMISSAL</u>
	:	
ROBERT BEAUDOUIN et al.,	:	
	:	
Defendants.	:	
-----X		

JESSE M. FURMAN, United States District Judge:


On December 23, 2021, Defendants in this action filed a motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See* ECF No. 18. Plaintiff was given until February 3, 2022, to either file an amended complaint or oppose the motion. *See* ECF No. 21. To date, Plaintiff has done neither. On February 18, 2022, the Court ordered Plaintiff to show cause in writing, no later than March 11, 2022, why Defendants' motion should not be deemed unopposed. *See* ECF No. 23. The Court also noted that "[f]ailure to show such good cause (or otherwise indicate an intention to proceed with the lawsuit) may result in Defendants' motion being granted as unopposed or in dismissal of the case for abandonment or failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure." *Id.* To date, Plaintiff has not filed any such letter indicating an intention to proceed with the lawsuit.

In light of the foregoing, the above-captioned action is hereby dismissed, albeit without prejudice, for abandonment and failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure, and for substantially the reasons set forth in Part II of Defendants' memorandum of law in support of their motion to dismiss, *see* ECF No. 19, at 7-9. The Court need not and does not reach the other arguments raised in Defendants' memorandum of law in support of their motion to dismiss.

The Clerk of Court is directed to close this case, enter judgment in favor of Defendants, and mail a copy of this Order of Dismissal to Plaintiff.

SO ORDERED.

Dated: April 4, 2022
New York, New York



JESSE M. FURMAN
United States District Judge